me where the best lands are. They certainly are not going to take barren lands when they have an opportunity to look out for the best lands in Itlinois. It is nothing more or less than to give them an opportunity of selecting good lands to make a public road through Illinois, to be connected with Mobile, and then the Senator from Alabama gets up and says it is a great national work, and should be connected with Alabama and Mississippi. Now, I should like to know how you are to get through Kentucky and Tennessee? You make a road and receive lands in Illinios, Alabama, and Mississippi, and with them you construct a road through Kentucky and Tennessee. I suppose they are to get a charter from those States, and thus evade the provision of the constitution which provides that no two States can form a compact or agreement. Now, I have a word to say. If this great national thoroughtare is to be formed, I would indicate a very different route. I think there might be found in the neighborhood of Charleston 150 acres to start the road from; and if you will just lay it off in alternate sections, having an other terminus in Illinois, and running through Tennessee, Georgia, and Alabama, there would be no difficulty at all. I heard the Senator from Missouri, (Mr. Benton,) the other day, talking about "tacking bills," but this system of tacking al ernate sections to make a road, is giving the different States the power to regulate a thing which, above all others, should be publici juris—the public highways. I agree with the Senator from Georgia, and cannot consent that the Congress of the United States, as a fiduciary proprietor, has any right to sell or dispose of the public lands otherwise than to subserve the ends of the trust. It has no right to give the lands away even to Hungarian heroes, and this giving away of the public lands has a tendency to introduce into the republic the ele-ments of local jealousy, the most fatal of all other. The system advocated by the Senator from Kentucky

(Mr. CLAY) some time ago, of selling the public lands and dividing the proceeds between the States, was much more liberal and correct. I should much prefer that all the public lands should be sold for what they can bring, and the proceeds be either distributed or given to the widows and representa-tives of the soldiers who fought in the war of 1812 and in the Mexican war, and thus withdraw them entirely from the field of political influence and party warfare. As far as the State I represent is concerned, I shall never have a dollar's interest in the matter, so that I stand here (as they say of juiles) in a position of indifference, to decide as fairly as I can. For the Government of the United States to speculate in the public lands, on the ground that it is the fiduciary proprietor, I never can consent to. I do not think that, as a simple trustee, it has the right to enter into any such speculation. Such measures are advocated on the ground of public good of the whole country; but I find that there is usually some strong local interest at the bottom. Selfishness is a powerful stimulus, and is very apt to lead those who advocate measures of this kind to talk largely of the welfare of the poor settlers who are subjected to the hazards of pioneers going into those lands. not encouraged by the Government, &c. I am inclined to thisk that the people of Illinois, Michigan, Iowa, and Wisconsin, and the other Western States, have gone there under the most favorable circumstances to settle on the richest lands, and avail themselves of the richest parts of the A measure of this kind does very well to send out in the

newspapers. Every one will talk about and take care of their own constituents, but I object to the public funds being taken to improve the richest and most flourishing portion of the country; that which has, and will have, the settlers. They will have what they want, however. This bill will pass. I have no idea that we can-defeat it. It is linked with other bills to make these splendid national bighways through influential States, and I am well assured that the plan will be accomplished. If the States or private companies will make these highways, I shall be grateful for them; but I am not willing that the Congress of the United States shall be made an instrument of diverting the natural current of trade and travel in favor of certain localities, by virtue merely of an incidental circumstance, such as that public lands lie exclusively in certain States. I shall vote against this measure in every form; but I know that I am now speaking against the wind, and that the bill will pass in spite of any opposition I can offer to it. You are proposing to give this privilege for a distance of four hundred miles through the body of a State, and to allow, when the lands have been sold in the vicinity of the route, that others shall be selected twenty, thirty, or perhaps fifty miles distant. It is not an equitable distribution of the common property of the States, of which the Govern-ment of the United States is a mere trustee, and for whose benefit we are bound to administer them. It would be far better to distribute the assets equally among the different States, according to the policy of the distinguished Senator from Kentucky, or else to sell them out at the very lowest prices to the actual settler.

Mr. CLAY. Mr. President, I rise to do nothing more than to express an opinion or two, and not to enter into the general discussion. I am very glad to learn that such a great measure of public justice, as I deem it, as the distribution of structed as to the beginning of the great railroad and canal the proceeds of the public lands, commends itself to the approbation of my friend from South Carolina, (Mr. BUTLER,) and that he now deems that an acceptable measure which—
Mr. BUTLER, (interposing.) Ah! I am sure that my
friend from Kentucky will allow me to say that I was looking

at alternatives; and, doing so, I had a right to say which of two events I would deprecate least, without being understood

Mr. CLAY. Well, sir, it is exceedingly agreeable to me to hear the honorable Senator express an opinion—either with or without the modification he has now made—at all favorable to a great national measure of justice that would have redounded greatly to the benefit of posterity; and I cannot but hope that his fear of the entire waste of the public lands will induce him, if some similar project is brought for

Sir, with respect to the particular question before the Senate, I have risen merely to state, that, in the first place, I entertain no doubts whatever about the power, under certain guards or restrictions; and I hope to see the exercise of that power extended to our rivers, our lakes, and our harbors on the seaboard. It is right to do so. I am ready, for one, to adopt cautious but liberal measures for the improvement of our rivers, lakes, and harbors. But, independent of the general power which I think the Government possesses, I have no doubt, I can entertain none, of the right of the General Government, as the greatest of all landed proprietors, to appropriate a portion of that land to the purpose of making management available, and more valuable, the residue. Sir, something d more valuable, the residue. Sir, something has been said about a trusteeship. Why, sir, it is true that all government is a mere matter of trust; all individual men are trustees, created by Providence, and bound to adminis er their faculties to the best advantage, not merely for them-selves, but for their fellow-men. But, if by the use of the term "trustee," it is proposed to qualify, to limit, to restrain the trustee so as to make him resemble the ordinary trustee, as represented in ordinary human transactions, I do not loc upon it at all as being so. The Government is a trustee to administer the public land according to the best of its judgment, for the good of the whole, and all parts of the whole.

To give some idea in reference to the State of Illinoisand the same observation will apply to some extent to the States of Mississippi and Alabama—I will say that I happen to know something of the interior of Illinois which it is proposed to improve. There is there what is called the Grand Prairie. I do not recollect its extent, but I believe it is some two or three hundred miles in width, and sixty or

seventy in breadth.

Mr. SHIELDS. You may say a hundred and fifty miles in M. CLAY. Three hundred miles in length and a hundred and fifty in breadth; and it is exactly through that grand prairie that this improvement will pass. And now, sir, any body who knows any thing about that prairie, or about any other prairie, must know that, when you look at that land, and especially that of the Grand Prairie, it will not sell for ages to come. It is in a measure inaccessible; it is wanting in wood it is wanting in water; it is wanting in facilities for getting No one will go there with the view of cultivating land. It is remote from population, and is without timbe The land is rich enough, but the situation is without any of the advantages of society, and the conveniences which result from a social state. But now, sir, by making this road directly through the Grand Prairie; by passing through the centre of the State of Illinois, you will bring millions of acres of land immediately into market which for years and years to come nobody would buy. Well, so is it with regard to land in Alabama and Mississippi. The road which is proposed there passes through what is called a pine barren, where the soil is worth very little, although the timber is the soil is worth very little, although the timber valuable, or would be valuable if near a market, but which is not approachable, and therefore not valuable for want of some mode of getting it to market. Sir, I have no doubt that, it you carry such a road as that which is proposed to be carried through the centre of the State of Illinois, and along the Mississippi, and through Alabama, passing through the pine barrens, yeu will bring into immediate market, at d add vastly to the income from that great source of the country, immense quantities of land which could not possibly be sold for mense quantities of land which could not possibly be sold for many, many long years. Now, the Government—you may call it trustee, or any thing else you please—for this purpose is an intelligent being; it is a corporation to manage the property which belongs to the whole, in the best way for the good of the whole; for the good of all parties; for, in promoting the good of the parts, you promote the good of the whole. Is there a man in Alabama, or Mississippi, or Kentucky, who were the good of the whole. tucky, wherever he may be, who is near that great road, who will not avail himself of the facilities which may be afforded him of travelling to the mouth of the Ohio or near it? Georgia has her road stretching in the same direction, and junction may be made between her roads and this long line of road. The honorable Senator from South Carolina intiof road. The honorable Senator from South Carolina inti-mated that there might be some difficulty in getting through

the people of this great empire, who, the more these facilities are increased and brought into operation, the more will they

become one united, harmonious, homogeneous people. Then, sir, I am in favor of this measure. I have not had it in my

power to look into this bill with that degree of care that I ought to have done; and I confess that I have some little he-

sitation, unless the appropriation is put under some proper

restrictions, of going so far from the road as some Senators have suggested may be done. The alternate sections on three miles on each side of the road may do well enough.

But to go away off, where the making of the road would com-

municate no additional value to the adjacent land, may be a question of doubtful propriety, especially if this provision is

not placed under proper restrictions. But, assuming that all necessary restrictions are provided, I have no doubt whatever of the general power, and none in regard to the second ques-

tion, that the power of this Government, however you may describe it—trustee or any thing else—I say I have no doubt

of the propriety of the appropriation of a portion of the pub-lic lands in order to increase the value of the remainder.

These are my views and opinions. I did not intend to enter into a discussion of the subject, but I thought it right to express these opinions briefly.

Mr. SEWARD. I have no trouble myself about the con-

stitutional power of the Government of the United States to

make grants for purposes of national improvement, or to con-

struct roads of any kind which may serve for the accomplish-

ment of great national objects. I can conceive of no public improvement more obviously adapted to promote the welfare

and prosperity, and perhaps more indispensable to the secu-rity of the United States, then a railroad from the head of

Lake Michigan to the junction of the Ohio and the Mississippi

United States has a discretion as to the manner in which it

will accomplish, or aid in accomplishing, such an object, and-

as to the funds or resources which it will devote to that pur-pose. Then, the question before us, so far as the principle

s concerned, resolves itself into this : whether, as uming that

such a work is one of a national character, and will produce

national benefits, it be one which is entitled to especial consideration on the part of the Government now? I think it is entitled to very special consideration on the part of the Government; and this will appear when we look to the particular

financial condition of new Same as contrasted with old ones. The old States of Massachusetts, Connecticut, New York,

Pennsylvania, Virginia, Carolina, and Georgia were all the

owners of the public domain within their limits. When it

was desirable for them to construct public works they were

always able to appropriate unsold lands, or at least the avails of lands within their respective domains. The consequence

has been that all these States, having these very considerable

resources, have constructed, directly or indirectly, very im-

portant public thoroughfares, useful and beneficial to the

commerce, and the travel, and the wealth, and prosperity and advancement of the whole country. But they have never

been made by unassisted individual enterprise; for, wherever

such attempts have been made, they have invariably been at-

tended with great delay and often with serious embarrassment.

A great and extensive country like this, with its population so

widely dispersed, always has need of roads and canals and

railroads, in advancing its complete occupation and settle-ment; but there is not a sufficient accumulation of private

capital within the States severally to construct them; and,

upon an examination of the legislation of every one of the old

States, it will be seen that the Governments of these States have lent or given aid, directly or indirectly, to assist in the

construction of these great public works, which are now pro-ductive of profits to the States or the companies by whom

system which is now nearly completed, and, from the various connexions between the port of New York and the Lakes,

ultimately to be extended to the Pacific ocean. He will find

that, in the time of Queen Anne, the Assembly of the colony

of New York appropriated the sum of £500 to John Smith

and some other persons, for the purpose of constructing a pub-lic road leading from New York to the West, and the appro-

priation was coupled with the condition that within two years

from the time of the passage of the act, the beneficiaries should

have constructed the road wide enough for two carriages to

pass from Nyack, on the Hudson river, to Sterling iron

works, a distance of twenty or thirty miles; and that they

should cut away the limbs of trees over the track, so as to

allow the carriages to pass. That was the beginning of the

which, after the lapse of more than one hundred and twenty

years, has proceeded no further than to or en a canal and two

railroads, one of which is completed and the other nearly so, from the city of New York to the mouth of Lake Erie. I

regard the work now under consideration here as an exten-

ational thoroughfare. With me, then, the questi

sion of that system, and the whole as constituting a great

whether it is wise and expedient to devote the public lands to

this purpose; and I conclude that it is so, if it is necessary

it would be made by private capital. Now, if it be true, as I have said, that all the old States having possessions and ands within their borders, having also unlimited power of

taxation, have needed aid from other quarters to prosecute

their operations of improvement, it seems to me that the case

of the new States is essentially harder, and therefore entitled

to the consideration of the Government; for it happens that these new States are founded upon Territories belonging to the United States. The United States owns the lands; the

Governments of the new States cannot appropriate them. The

United States owns the lands exempt from taxation. They

annot be taxed except so fast as they are sold; and these new

Governments, becoming members of the Confederacy, are de-prived of the resources which the older States have enjoyed

or the purpose of completing their public works. I think,

herefore, that the Government owes it to itself and to the

States to make a liberal, and at the same time a judicious and

wise appropriation, to extend these great works, railroads, and

ment are unable to construct them for themselves. I think I

can convince Senators of the soundness of the argument by

the fact that all the new States which have undertaken to

construct these necessary thouroughfares—necessary not only for themselves but for the welfare and prosperity of the whole

Jnion-have all found themselves embarrassed and crippled,

effect. It is thus that the character and morality of the Governments of the States have suffered. The misfortune of bank-

ruptcy and the loss of confidence has resulted, in no small

legree, from the circumstance that the Federal Government,

provement, have devolved them al ogether upon the States,

which were destitute of resources applicable to that great na

tional object. Now, I do not know when there will be a ne-

cessity for military defences-and I trust the time is far off

when we shall have occasion for any road for the purpose of

military operations; but we can all see that such a time may

come, and we know not how soon, when this and all other

public roads may be required for military purposes. If it be

good policy that in times of peace we should prepare for war, then it is right that we should make these preparations, which

are, after all, the most effective securities for peace by pre-

venting war, and are most indispensable works in case of ac-

I hear it said here that the Government of the United States

s a trustee. I do not find that the United States are called a

trustee, or described as a trustee, in regard to this property— the public domain. It is indeed true that in one sense—a

general sense—the Government of the United States is a trus-

ee for these public lands; but in no other sense than it is a

nent. It seems to be supposed that the Government is to be

ands until Congress can sell them at a certain price; and

then, selling at that price, and finally, by some process or

other, making as nearly as possible an equal distribution of the avails, securing to each citizen of each of the States an equal individual benefit in the proceeds of the lands. Now,

find no such limitation of the general broad powers of the

Sovernment over this domain. It is a power to hold it; it is a power to use it; it is a power to dispose of it, and to dispose of it without any prescribed limitation; and, like every other

rustee in the exercise of all other responsibilities of govern

regarded as a mere special trustee or agent, with most restricted discretion; the trust is defined to consist in hold ng these

tual hostilities.

power of the Gov

having all the available resources for works of internal im

and many of them rendered bankrupt by the attemp complish objects which they were quable to accomplish, and which the Federal Government had ample power to carry into

or these new regions, as the people and the Govern-

for the public interest that this road should be made carlier the

internal improvement system of the State of New

rivers. That being so, I think that the Government of

because the strength and the power of Government are in-creased just in proportion as the population is extended over the power. Sir, it is impossible, in the administration of the great interests of this country, that a distribution of all advanwhat now constitutes the unoccupied public domain, and that the wealth of the Union increases in the same ratio with the tages should be administered equally among all the States Take, for example, the revenue. How is it in regard to that? Here, for instance, in the port of New York there are about eight or nine hundred public functionaries from whom the city of New York derives advantages from their expendiincrease of population; and the taxable ability of the people, peace or war, is increased by the addition of population and e increase of wealth. And I can conceive it possible, therefore, that it is more proper, more conducive to the interests of the people of the United States, even in a fiscal or financial ture, from their consumption of various articles, and many other incidental advantages. If you go upon the principle point of view, to make large appropriations from these domains r the purpose of effecting their more speedy settlement, than of distribution, of perfect equality among all the States of would be to retain them all with a miser's grasp for the mere this Union, we should have, of course, in every other port

phemeral purposes of revenue.

It is, therefore, upon the ground that the most expedient eight or nine hundred officers appointed, with salaries amounting to a milion or more of dollars; and so all through the and beneficial disposition of this portion of the public lands is great interests of the country. But we establish these custom-houses and officers not for the sake of New York, (which to devote it to the construction of public roads—roads which will be beneficial to all the people of the United States, as well s incidentally benefited thereby,) but for the sake of the whole, for the general benefit; and this road which is pro-posed to be made in Illinois is not for the sake of Illinois, as to the State of Illinois, which it is admitted will profit by itthat I am in favor of the principle of this bill, and shall give to it my most cordial and effective support.

Mr. CASS. I hold in my hand a law which is almost although that State will perhaps enjoy greater local advan-tages than any other State from the road; but it is for the sake of the public lands and the commerce and travel between

ontemporaneous with the Government itself on this subject, showing that the Government, as early as the year 1796, made grants of the public lands for the purpose of making roads. This is an act which was passed to authorize Ebene zer Zane to locate certain lands, upon condition that he should open a road between Wheeling and Limestone. The principle of appropriating the public lands for such purposes vas, therefore, established as early as 1796.

The question was then taken on the amendment offered by e Senator from Alabama, and it was agreed to.

Mr. WALKER. I move to strike out that portion of the bill which proposes to increase the price of the alternate secsay a word with regard to what fell from the Senator from Illinois, (Mr. SHIELDS.) After what he has said, I would not have made this motion were it not for the peculiar posi-tion in which I stand, which seems to demand it. A memorial has passed the Legislature of Wisconsin which amounts to an instruction upon the subject of the donation of public lands to every actual settler. I know of no propositio would meet with more decided opposition in the State of Wisconsin than the one to increase the price of the public lands any where. Our people look upon it as a matter which con-cerns the rights of man—not as located in Illinois, Wisconsin, or any where else. Wherever he may be located, "A man's a man for a' that."

'hey deem it right that he should be able to acquire if he wishes a portion of the public domain. They go into this matter on deeper principles; they object to the policy of the Government selling these lands at all. They deem it a right that the community have to use the public lands as a means of enjoying the right to live. They will not approve any action on the part of their representatives which will have a tendency to add to the price of these lands. If there is a State in the Union that is radical on this subject of speculation in public lands, it is Winconsin. I can, therefore, in obedienc o what I deem the instruction of my State, do nothing which ooks to an increase of the price of the public lands; but on every occasion where it is possible, I shall feel myself under obligation to go for reducing the price; and, if possible, I would give them to actual settlers for the purposes of cultivation. I repeat, sir, that I disregard the language of implied cen

sure, used by the Senator from Illinois, for I am confiden

here was nothing of disrespect intended on his part, when he seemed to advise me to let Illinois manage its own matters for itself. I must remark, however, that there seems to be an nconsistency in the language of that Senator; for in one breath we are told it was a national work; that it connected Boston by the Lake route with the city of Mobile. Well, there happens to lie a State called Wisconsin on that very route. happen to be an humble member of one branch of Congress, representing that intelligent, enterprising, and I believe, virtuous people. I deem it my duty to mention this prin-ciple, which I believe to be held dear and cherished by the people of Wisconsin. Though I may be speaking of local matters. I think it is also a national matter. The gentleman himself says it is national, and while it is national we are called upon to make this grant; but as soon as it is proposed to view it in a national light, and to prescribe some terms on which it shall be made, then it becomes so local that Senators must be censured. I do not say that this was done in an invidious sense by the Senator from Illinois. This is a matter in which I differ from many Senators. I am for giving that land, out and out, to help the State of Illinois to make the road. I believe it will be one of the greatest works in which bur country can engage. When I was a citizen of that State, as perhaps both the Senators will remember, I expressed in her Legislature my admiration of this enterprise, and did all that I could to advance it, for I considered it one of the greatest enterprises in which the country could be engaged. I can There are many curious facts connected with the internal think of none greater. Any thing which tends to improve improvement system in the old States. Whoever will look the connexion between the North and the South is a great To go across lines of latitude and to enable the man of commerce to make up an assorted cargo is infinitely better than to run an equal distance on the same parallel of latitude. I look upon this as a great end to be accomplished as an enterprise of the highest importance to unite the great North and the great Sou h; and one in which I hope the energies of the country will be exerted. I am for giving this and out and out, not for the benefit of Illinois alone, but for the benefit of Wisconsin, of Maine, and New Hampshire, and every State, even to the most southern extremity of the Union. I believe that Government should show that magnanimity, that kind of generosity which will give this land out and out, and not tax the settlers who are ultimately to onsume the articles from which a revenue is to be derived for the existence of the Government. Sir, settle these public lands, and by this means you will increase the number of those who will add to the revenue of the country by increasing the products of the country. If the price of these lands is ocreased, your sales and settlements will be limited and the products and revenues limited in proportion. I contend that f you give them away you will increase the revenue of the Looking at it in this broad national light, I am

happy to know that the Senator from Illinois will concur Mr. KING. With a great deal that has fallen from the conorable Senator from Wisconsin I entirely concur. But cannot understand the view taken by him that the people of the United States have a right to the public domain at any specific price. We, in our wisdom or folly, which ever nay be, have on several occasions changed the price of the oublic lands. We sold them under the credit system at \$2 per acre. This was ruining the new States; for the public land in the State where I live ran up to some forty or fifty, and often as high as seventy-five and eighty dollars. The new States, being unable to pay their debts, were compe therefore to petition Congress for a change in the terms of the ales, and Congress, in its liberality, changed the mode of ale from the credit to the cash system, reducing the price to 1.25 per acre, which is now the price. The act also autho zed the transfer of the purchase money, by which plan the dovernment received more than it otherwise would, and the new States were relieved from debts which they would never

ave been able to pay. Now, sir, I am, as much as the honorable Senator can be. favor of having the country cultivated, of having the lands settled by an intelligent and virtuous population. I am also in favor of opening new channels of intercommunication between the North and the South as far as practicable. I think t will contribute much to the general prosperity in a comnercial point of view, and would relieve us from many preudices and unkind feelings that have grown up by our not nirgling together. I hope the honorable Senator will not nest upon the amendment. If this land be now of little or no value, and if its value be increased by the work which we ropose to have executed, is there not some propriety in causng it to be sold at the minimum price of \$2 50 per acre, hen if it were offered at the Government sales it would bring \$5, \$6, or \$10 an acre. We give this land intrinsic valu the very opening of a channel of communication, by which its products can easily be taken to market. I therefor rather think it a favor than otherwise to the actual settler to authorize him to take it at \$2.50; for if it were offered at auction it would bring twice or three times that amount. Of course, I would give pre-emption rights to all the settlers now upon the land. I trust my friend will not insist upon his amendment, which will embarrass the bill. I hope he will withdraw it

Mr. WALKER indicated his intention to persist in the

Mr. KING. Then I hope a vote will be taken, and that Mr. SHIELDS. I will state to my friend from Wisconsin hat in the remarks which I made I had not the slightest intention of castir g any censure upon him. I must say, however, that, whatever his intentions may be, the effect of his amendment will be to kil this bill; and if he applies it to is own bill, it will kill that also.

Mr. WALKER. I have no desire to destroy the bill of wing that my amendment would kill the present bill, I would persist in connecting it with the bill rather than that the actual settlers on this land should have to pay one hundred per cent. more than the present price of the public lands. I have not the slight st idea that this amendment will be adopted, but I shall vote for the bill whether it be adopted

The motion to strike out the section was then negatived. Mr. BELL. Mr. President, I have no disposition to delay the decision of the Senate upon this question. But I wish to say a few words in regard to the proposition now before the Senate. I do not mean to go into an examination of the

I sade, which could not be done by any other means. Now, I sake the Senator from Illinois, I ask the Senator from Illinois for the purpose of advancing internal principles have been discussed, and the policy of making appropriations of public lands for the purpose of advancing internal principles have been discussed, and the matter. What, then, is the best and highest interest of the matter. What, then, is the best and highest interest of the matter. What, then, is the best and highest interest of the matter. What, then, is the best and highest interest of the matter. What, then, is the best and highest interest of the matter. What, then, is the best and highest interest of the matter. What, then, is the best and highest interest of the matter. What, then, is the best and highest interest of the matter. What, then, is the sent of the matter. What, then, is the best and highest interest of the matter. What, then, is the sent of the matter. What, t tory of the legislation of the ccunity in relation to this subject, advantage of the whole country. There must, of course, be the power of Congress to appropriate money directly from the Treasury to internal improvements—to roads and canals, or used for the benefit of "all the States." It meant, of course, to rivers—has never, at any time, been decided against or denied by a majority of both Houses of Congress. We have had be no partial or local appropriation of the benefits of it. We Senators whom I esteem so highly, but I beg leave to ask if Presiden's who had the power to restrain the action of Concentration of the special remains the stream of highly, but I beg leave to ask if they are not mistaken as to the consequences that are to regress in making appropriations for this purpose, but in general that power has been exercised against any conviction of the majority of Congress that the power is unconstitutional, it. Here are two small States lying between Mississippi and it on the ground that we should give this land to Tennessee. the majority of Congress that the power is unconstitutional, and that it might not be claimed by Congress if Congress thought proper to do it. I believe, however, that the majori-ties of both Houses of Congress have, during the last fitteen or twenty years, held very decided opinions against the policy of appropriating money directly from the Treasury for the construction of roads and canals, even when passing through two or more States, from a belief that it would inevitably lead to extravagance, partiality, and other abuses on the part of the National Legislature. Upon that ground, sir, I believe that no Congress since 1830-I mean, of course, no majority of both Houses of Congress—has been ready to sustain a principle of that description; but, at the same time, it has not been at any period decided by the majority of Congress that they have no power of appropriating the public lands lying within any one of the States for the purpose of promoting the construction of works of this description. I have, when a member of the House, given my support to such measures, and I am ready now to give my support to such measures when the work projected to me to be one of great public utility; and on that appears ground I intend to give my support to the bill now pending before the Senste. I think, however, that the honorable Senator from Georgia (Mr. Dawson) demonstrated yesterday that the provisions of this bill do go beyond any recog-nised or established principle in the legislation of Congress. I am not sure of this, as it is eight or ten years since I have been familiar with the legislation of Congress on this subject. This bill provides that of the public lands situated on the line of the road, every alternate section shall be appropriated to the construction of it, and to this extent, so far as it goes, it goes upon the principle that the public property held by the Government, in the State, is benefited to an equal extent to what is given away, or transferred to individuals, corporations, or to the States. But the bill, it seems to me, goes beyond that. The principle is extended, as was shown yesterday by the Senator from Georgia, (Mr. Dawson,) and also by the Senator from South Carolina, (Mr. BUTLER) It is an extension of the principle. Well, I do not know that I am opposed to that extension, although I thought it best yesterday, when the vote was taken on this subject, to limit it, as I understand that a great number of roads are projected in the States where there is a residue of public lands. I am willing to go for it on account of the munificent pur-poses and use to which this appropriation is proposed to be applied. I am willing to go for it exclusively on that ground. base my support of the provision in this bill authorizing the State or the company to go any where in that State to get the grant of Government lands upon this view of the subject, because it is proved that the work is likely to be of great public utility, and legislation on the general policy of limiting patronage, and reducing the number of public officers, may be not only exercised but justified. I think it a liberal policy, and I would be willing, when lands of this description have if not, I will cheerfully listen to any explanation the Senator been in the market for thirty or forty years, to act on the po-licy of enabling the States in which they lie to make any munificent use of them that may be thought proper or conceived to be advisable. I am willing to appropriate them for such purposes, to relinquish them; and I think that the people and Government of the United States would be benefited by being relieved of a num' er of public officers, and of patronage, frequently of very little use to any one, and probably an expense.

> Mr. JONES, (in his seat.) They get \$500. Mr. BELL. By the relinquishment of these lands, then, a number of federal officers, receiving salaries of \$500, will be

Now, here is a great and magnificent work to connect the was an appropriation by agreement, between North Carolina country on the great chain of northern lakes with the Gulf of and Tennessee, of certain lands occupied by the Cherokee Mexico. Taken altogether, the railroad projected is some Indians, and to a portion of which the Indian title was not eight or nine hundred miles in length; about four hundred extinguished. With that Congress had nothing to do, exeight or nine hundred miles in length; about and fifty miles, perhaps, in Alabama and Mississippi, and could not have ceded her right to that domain. The land ms and Mississippi, and one hundred and twenty or thirty in Kentucky and Tennessee toge her. Now, sir, this is a great and magnificent work. I think it will not only redound to the gation, as ascertained by private titles held by the officers and concurrence of the Senator himself. This is a very vast unadvantage and benefit of the States of Illinois, Alabama, Mississippi, Tennessee, and Kentucky, but to that of every other located in a country, which, at the time, was expessed to all through Mississippi and Alabama alone, at an expense of no State in the Union. This sentiment was once well and forcible peris of an Indian war. bly expressed by a very eminent gentleman who represented attracting some attention in Congress. There was a debate in not even been worth the sections given to other States for Mr. SHIELDS, (in his seat) Say ten thousand dollars. the House in regard to a number of improvements, the ques-school purposes. Most of the lands were previously approtion being whether the members of one section of States should priated by support improvements wherever projected in other sections. The gentleman to whom I, have referred said, with great truth and sagacity, although the remark applied more espe cially to his own State than to any other, that there could not be any improvements, however magnificent, or however small, whether a canal or a macadamized road, or what not, constructed in any State north, south, east, or west, which the city and State of New York would not feel the benefit of, either directly or indirectly; and so of every other great point of commercial and social intercourse. It is undoubtedly true, that works and improvements, even of the most limited extent, contribute imperceptibly to swell the tide of general prosperity. But, as I said before, this work is of a more gigantic kind; it proposes to afford the means of intercourse at all seasons of the year, between the inhabitants on the line of the lakes and the Gulf of Mexico, and for the interchange of productions between the two sections, by an overland route.

True, there are the great rivers—the Illinois and Mississippi; but that State got all—all there was. We extinguished the Inare we able to transport productions at all seasons, with safety, to Mobile or New Orleans. There is a considerable portion of the year during which the Illinois river is frozen up, and there is another season at which the Mississippi is not only very convenient for navigation, and unpleasant for travel, but during which it is absolutely dangerous; not only perilous to the lives of the passengers, but also to the property which is attempted to be transported; so that, whilst on one side the the States, led them into extravagant expenditures, involved ice obstructs the intercourse in the north, there is a relative season at the south where low water obstructs it. This great work proposes to construct a mode of communication, social and commercial, between the extensive, rich, and still growing country in the northwest and the Gulf of Mexico, and the cities and population there, open at all seasons of the

year-winter as well as summer. But, Mr. President, in order to make this grand chain of communication complete, Illinois ought not to limit her liberality to Alabama and Mississippi, and to terminate this road on the southern border of Tennessee. There will be an essential link of 130 odd miles left unconnected, which will destroy this idea of the general utility and magnificence of this connecting line of communication at all seasons of the year. Why not make a proposition to include Kentu ky and Tennessee? I believe that the road through Tennessee is only for some twenty or thirty miles, so that there will be a link wanting of one hundred and twenty miles to complete this magnificent work—this connexion between the Gulf and the Lakes. Now, Mr. President, the design with which I rose yesterday evening was to make a proposition which would make this work really what it ought to be, and what it must be when complete, and that is, to extend the munificence of the Government towards this work into Kentucky and Tennessee; for I am fearful-having some knowledge of the country through which this road is to pass-that there will not be private resources or commercial capital sufficient to carry it on. In Kentucky the settlement is sparse, the improvements few, and there is but little trade and commerce, the population being chiefly small farmers and planters. True, in the southern part of Tennessee the farm planters are rich, but there is little or no surplus capital, so that, without the munificence of the Government, and some appropriation, I much fear that this grand and magnificent dea would fail to be carried out.

Now, what I propose is that this bill should be amended, ne without recasting the bill altogether,) and that an appropriation of the nett proceeds of public lands lying in Alabama, Mississippi, and Illinois, equal to the proof road, shall be vested in portion of this whole line the construction of the link in this great chain of communication between the North and South that lies in these States. And if gentlemen see that there is no probability of the road being constructed without the liberal aid of Government, much less will this link be provided without some aid from Government. I do not propose that there shall be an appro-piation of money, but that they shall have their full proporion of the nett proceeds of the public lands slike in Illi Senator from Illinois, but this much I will say, that, al- Alabama, and Mississippi. It will be but a small proportion, ving that my amendment would kill the present bill, I and they will reap full advantage in the completion of this great line, and contribute to swell the tide of trade and travel on a road lying through those States. Without it the road will be defective, and will not supply the purpose of having a communication, at all seasons of the year, alike unobsouth. My proposition is to recommit the bill with instruc-tions to the committee so to amend it as to an wer the pur-

ower of the Government, it ought to be exercised with judgent, with wisdom, and with a view to the promotion of the
undoubtedly deserves a good deal of consideration. I underest interests of the whole country; and that is the whole of
stand that it is not the only till or measure of the kind before

so selfish as that. It must be remembered that the magnifi-

These two dowerless sisters lie between two tiers of sisters, on the north and south, which have been richly supplied, and which received on their admission into the Union, on the plan in which this Government has been in the habit of giving to the young States in the West, not only a partial appropria-tion of this description, but some three per cent. and others five per cent. appropriated to educational purposes and the construction of roads from the Atlantic to these States. The decision upon this proposition will test the principle whether the appropriation is intended to be made for local or for general purposes and benefits.

I will say nothing more, Mr. President, except to present

my proposition to the Chair. I expect to support the measure, whatever may be the decision of the Senate upon my amendment. I do think, however, that a strong case has een made out, and I cannot see how my gallant friend from see and Kentucky unless an appropriation of this kind is made.

The amendment was read as follows:

"With instructions so to amend the bill that a proport on of the nett proceeds of the lands given to the State of Illinois and to the States of Alabama and Mississippi shall be secured to the States of Alabama and Mississippi shall be secured to the States of Tennessee and Kentucky respectively, equal to the proportion of the entire line of the railroad proposed to be constructed from the southern terminus of the Illinois and Michigan canal to the city of Mobile, which passes through each of the two latter States, to be applied by them to the construction of the sections or divisions of the read within their

struction of the sections or divisions of the road within their respective jurisdictions."

Mr. KING. I regret extremely that the Senator from Tennessee should have made a proposition calculated not only greatly to embarrass, but I will say to him, no doubt ultimately calculated to defeat this bill, if his amendment should prevail. It is rai ing the old issue, and bringing forward questions upon which gentlemen differ in regard to the distribution of the public lands among the States. Now, while I am disposed to do every thing that I can do, properly and constitutionally, to aid either Tennessee, Kentucky, or any other State in the construction of works of this character, I must say to the gentleman that I think he ought to be the last to bring forward a proposition to embarrass a work he admits to be of such great importance, when he reflects upon the great benefits the State of Tenne see has received from the extinguishment of the Indian title to her public domain within her limits, all of which was given to her without her ever paying thing. We have appropriated land, for example, for the support

Mr. BELL. I deny that the State of Tennessce has received any great benefit therefrom. I stated before that I believed that all the refuse lands which had been ceded by Congress to Tennessee, would not defray the expenses arising under the litigation in regard to land titles. The appropriation made by Congress entirely enured to the benefit of the grantees under North Carolina, Tennessee deriving no through several States, that the whole was to be the work of do not, I confess, know exactly what are the provisions of benefit. These were grants to the soldiers and office s of the the law upon this subject, or whether a specific salary is given when the affice is not productive of revenue.

revolution, made by North Carolina whilst she was the owner of those lands. I believe my colleague will bear me or Tennessee whether the lands are granted to Illinois or out in this remark. I do not remember the precise amount, Alabama, so long as they secure the completion of the but I believe the whole have not paid the expenses of litigation in investigating the titles under grants from North Carodispensed with; but, even were this not the case, I would not lina. If there has been any advantage of any moment, or allow these refuse lands to lie idle, when by giving them up worth consideration, granted by this Government to Tennesthey may be improved and made productive, and add to the Government in Tennessee, I am not advised of it. There

York some twenty odd years ago, when this subject was will allow me, in regard to these public lands. They have than fifteen or twenty thousand dollars to t repeat, did not furnish to the State even the sections given to own portions of the road, and will not be at liberty or feel the ather States for school purposes. All the lands that have inclination to engage in the construction of the works in Tenbeen ceded by the General Government to Tennessee would nessee and Kentucky. And in Western Tennessee and the

not equal that amount. tions. She got all there was, and we had nothing left. The sparse population. Now, this a work great and advantageous State of N rth Carolina, of which Tennessee constituted a in itself, one which, if constructed, will have a beneficial efpart, when she coded that State to the General Government, ceded the public lands under certain conditions. The State fore, to secure the co-operation of the Government to furnish of Tennessee, or rather of North Carolina, of which Tennessee then constituted a part, through the Legislature, gave to see both. I do not propose to insist further up n my propothe officers and soldiers of the revolution certain lands, there to be located. They were located there for the benefit of her own citizens, and the residue of the lands were granted to dian title to the Cherokee country, and they got all—the sections for school purposes and all. If they have not been profitable to the S ate, we are not to be held responsible for it, much as we may regret it. It has been frequently the case that the States have no tproperly applied the grants which have been made to them. The distribution of the proceeds of the public lands many years ago injured many of them in debt, and many of them are now regretting that they ever received it.

To what I desire to call the attention of the Senator from Tennessce, is the fact that, by his amendment, if it prevails, he brings up an issue that will divide the Congress the United States upon a question of constitutional right and

Mr. BELL, (in his seat.) How? Mr. KING. I speak of the right and power of Congress under the constitution to grant to the States in the manner proposed. There is a great diversity of opinion on the subject; a very great one. We depart entirely from the principle we Land Titles in California. are contending for. If the Senator's amendment prevail, contained in these lines: we go upon the ground that, in advocating this bill, disposing of the public domain lying within the States for the benefit and improvement of the public lands themselves, and giving a value to them, by opening a new means of com-munication by which they may be brought into market. It was precisely upon this principle, as I mentioned yesterday, that we made a grant for the removal of the Red River raft. There were millions of acres of the public domain lying above that raft that were continually inundated, and were therefore worthless, and could not be disposed of. They were worse than worthless, because they rendered the adjacent country, are "tenures," certainly, based on Spanish authority, and extremely unhealthy; and the raft was removed by Congress, in order that the lands might be drained. They were drain and went into market and sold for a large sum. But if we go beyond that, and grant them to States where'tle lands do not lie, why, we have all those questions raised which have agitated us so long, and thus will not only embarrass this mea-sure, but will secure its defeat. Now, is that the object of the Senator? With regard to the completion of the entire road, if this grant is made to Alabama and Mississippi, I will say, that the portion of it leading through the southwestern part of Tennessee and a little corner of Kentucky, will certainly be made if the remainder is. The great object is to reach a point on the Mississippi near the mouth of the Ohio. That was the original design of the charter of the road, and the road is just as certain to be completed through Tennessee and Kentucky, as any where else, unless obstructions should States of Kentucky and Tennessee, to be by them applied to be thrown in the way not now anticipated. They have now graded a portion of the road, and there is under contract much greater distance, and I must at this stage of the busi ness, when the prospect is that so large a majority will be in favor of the bill as it stands, when I myself and others have declined embarrassing it by proposing any other routes, but

Mr. SHIELDS. I concur in every thing that has been said by my friend from Alabama. And while I agree with structed by the ice in the north and by low water in the the Senator from Tennessee in the sentiments he has expressed so much better than I cauld myself, and am really happy to see that Senator rise in his place and point out the great advantage to be secured, not only to Illinois but to the whole country, in opening this great communication from the Lakes to the Gulf of Mexico, I deeply regret that he should present a proposition which I know will not only embarraes the oill, but must ultimately secure its defeat. Now, sir, if this road leading through Tennessee and Kentucky cannot otherwise be completed, for one, I will agree, if it can be

simply confine the road to a straight line of communication,

that the Senator from Tennessee will see the propriety of

unincumbered. I appeal to the Senator as a friend of the

work to do this, and I tell him if he succeeds in securing the

adoption of his amendment, he will only defeat the measure

withdrawing his motion, and allow the question to

which he has been advocating so ably.

serve to get rid of even the Wilmot proviso, and tie us together so effectually that the idea even of separation will be impossible. I beg of the Senator from Tennestee, as a spe-

cial favor to us, to withdraw his proposition.

Mr. BELL. It is difficult to withstand such appeals from they are not mistaken as to the consequences that are to result from the adoption of this proposition? I took very dis-Alabama on the one side and Illinois on the other, which and Kentucky, as if it stood on the principle of the distribution were entirely dowerless, as they had no more public lands of the public lands of the new States among all the States. I than would pay the expenses of litigation about the titles. said it was essential to supply this gap in the chain of communication, a small link in it, only about one eighth of that which. I spprehended, would not be supplied under this appropriation proposed to be made by Congress unless it should be extended so as to include it. Now, I tell the Senator from Alabama, though I do not pretend to be a prophet, that this road never others will be constructed through Tennessee except such a clause ad the is adopted. You can find a convenient and economical terminus in the northern part of the State of Mississippi, upon that great trunk which discharges all the waters of the North, South, and West, and the States of Alabama and Mississippi will come to the conclusion that it will be no great inconvenience to be obliged to navigate the Mississippi some hundred miles further up than the mouth of the Ohio, instead of constructing at their own expense this road of one hundred and twenty or one hundred and thirty miles, through the States of been made out, and I cannot see how my gallant including the road in Alabaha Illinois (Mr. Shields) can resist it, either on the score of justice, or of the general benefits and advantages which the road, if completed, would confer. As I said before, it is proposition for constructing the road in Alabaha and Mississippi, for I am a friend to every work which promises to be nationally useful, whether it is located through my State or not. I do not act on so narrow a principle as the work will not be constructed through Tennes-Tennessee and Kentucky. They never will do it. I am a to oppose the work even if my own State does not get the lands applied for. I shall vote for the bill though my proposition be not included.

But what does the Senator from Alabama mean, when he speaks of constitutional objections to voting this land to the States. Is not that the proposition of the bill? Is it not giving to the States or corporation the lands in Alabama proposed by the Senator from Alabama? The constitutional objection, if it amounts to any thing at all, applies with the same force to a proposition to give these lands to any one State as to one giving them to two or more. If it be constitutional to give land to Mississippi, why is it not constitutional to give it to Tennessee or Kentucky? So of Illinois. Where is the point of difference? The only constitutional questional. tion that I know of, resis alone upon the question of appro-priation, whether of lands or money, for works of this description, in one State or in more. It seems to me that, if we determine the question of constitutionality to be in favor of the power to donate to one State, you settle the whole proposition. I can see no difference. The objection is this, that these lands in Idinois lie for example, and that it is proposed to give a portion of them to Kentucky or Tennessee. Where is the distinction, in a constitutional point of view, whether the lands are in one State or another? The proin the Union. But we have heretofore done this very limits, all of which was given to her without her ever paying a dollar for it. I believe I am strictly correct in this statement; if not, I will cheerfully listen to any explanation the Senator tainly there can be no distinction between appropriating the land to the State in which it lies and to any other State, fi

it is the property of the Government.

Mr. DOWNS. I wish to ask the Senator, while on this point, whether this railroad through Illinois, Kentucky, and Tennessee, and the whole route, is to be made by one company, or are they separate companies in different States? I e supposed, as is frequently the case where a road runs one company, sanctioned by the several States. If that be

Mr. BELL. I would just say that still there is no difference in principle, whether a company or the State construct the road, because, if the lands are granted to the State, it can

I believe he has misunderstood my question.

Mr. BELL. I beg the Senator's pardon; I will come to it in a moment. My impressions are in part based on the idea that the work will never be constructed either through Tennessee or Kentucky without foreign aid, and that there is no sufficient interest either in Alabama or Mississippi to make soldiers of the revolution, and by private purchasers, and was dertaking—the building of some three hundred miles of road less than fifteen or twenty thousand dollars to the mile. And Mr. TURNEY. I desire to add one word, if the Senator so in Illinois, the four hundred miles there will not cost less

Mr. BELL. Well, ten thousand dollars a mile. These North Carolina, and the grant from Congress, I States will be burdened enough with the completion of their part of Kentucky through which this road is to run, the inte-Mr. KING. I am a little amused that my friend should rest will not be sufficiently great to induce the people to build ay that Tennessee did not get even the sixteenth sections the road. The local interests in the road, it is true, are conof these public lands. She got, however, the thirty-six sec- siderable, but they are confined to a narrow limit and in a fect upon both the North and the South; and I desire, therethe means for its completion through Kentucky and Tennessition. I have given this explanation of my object to show that it was not offered frivolously, and I will leave it to the Senate to dispose of. The Senators from Il inois and Alabaor not.

The debate was continued by Messrs. MILLER, DAVIS of Mississippi, DAYTON, DOUGLAS, BENTON, TUR-NEY, DAWSON, HUNTER, and WHITCOMB, the latter gentleman intimating a desire to continue his speech to-morrow; and consequently, without disposing of the pending question, the Senate adjourned.

TO THE EDITORS.

GENTLEMEN: The reputation which your journal deservedly has for carefulness and accuracy, and the immediate credence with which consequently every thing in its columns is received, induce me to notice two errors which occur in the article you publish this morning concerning my Report on Land Titles in California. The errors I wish to correct are

"()f course, between the various grants there is constant conflict, one portion of the tenures being based on Spanish, another on Mexican, a third on California, and finally others on Revolutionary authority, (Bear flag.")

I suppose I could not have expressed my meaning clearly, since I did not intend to represent that there was any "conflict" whatever between the titles granted by the successive authorities of the former Governments of that country. There others based on Mexican and local authority, but little, if any, conflict. Neither did I intend to represent that there were any grants in the country based on "Revolutionary (Bear flag) authority." I am quite sure there were no grants made, or attempted to be made, on that authority.

As these two errors relate to matters of fact, any misapprehen-ion of which may injuriously affect important interests of that country, I ask the favor of an insertion of this note by way of correction. Very respectfully,

WM. CAREY JONES.

WASHINGTON, APRIL 29, 1850.

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